

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

John K. Massey, Jr.,)	C/A No.: 1:12-1355-JFA-SVH
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Moss Justice York County Detention Center;)	
Tammy Dover, R.N.; and Dr. James Jewell,)	
M.D.,)	
)	
Defendants.)	
)	

The *pro se* plaintiff brings this civil action *in forma pauperis* pursuant to 42 U.S.C. § 1983, contending that the defendants did not provide proper medical care while he was incarcerated at the Moss Justice York County Detention Center (MJYCDC) where he is incarcerated.

The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation and opines that defendant Moss Justice York County Detention Center should be dismissed because it is not a proper party defendant in this § 1983 action. Specifically, MJYCDC is not a person amenable to suit under 42 U.S.C. § 1983. The Magistrate Judge has authorized service of process on the two remaining defendants. The

¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b)(1).

Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

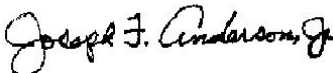
On July 6, 2012, the plaintiff was mailed a copy of the Report and Recommendation, which was filed on that same day, and advised of his right to file objections to the Report. The plaintiff did not file objections and the time within which to do so has now expired. Additionally, the copy of the Report mailed to the plaintiff was returned to the Clerk's Office and marked "Return to Sender, Not Deliverable." In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

After carefully reviewing the applicable laws, the record in this case, and the Report and Recommendation, this court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The Report is incorporated herein by reference.

Accordingly, defendant Moss Justice York County Detention Center is dismissed without prejudice and without issuance and service of process. The Clerk shall return this file to the Magistrate Judge for further processing.

IT IS SO ORDERED.

July 26, 2012
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge